

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

MORELOCK ENTERPRISES,)
Plaintiff,) CV 04-583-PA
v.)
WEYERHAEUSER COMPANY,)
Defendant.)
)
SCHEDULING ORDER
)
)(CLASS ACTION)

PANNER, J.

A. Lifting the Stay

The Stay (# 177) entered on November 28, 2005, is lifted.

B. Leave to File a Second Amended Complaint

Plaintiff's motion (# 184) for leave to file a Second Amended Complaint is granted, except the date in ¶ 15 and ¶ 16(b) shall be December 31, 2006 (not 2007).

C. Notice to Class

The Court previously certified (# 80) the following Class:

All persons in the United States directly purchasing from the Weyerhaeuser Company finished alder lumber between April 28, 2000, and the present.

That definition remains accurate. The Notice (# 102) previously sent to prospective Class members indicated that membership in the Class, and the Class claims, were limited to

purchases made on or before March 31, 2004. For that reason, it will be necessary to send a revised Notice to the Class and opportunity to opt out.

By May 7, 2007, Plaintiff shall submit a proposed revised notice to the Class, reflecting the new date. By May 11, 2007, Defendant shall furnish Plaintiff with a list, in suitable format, of persons believed to meet the class definition, including purchases made through December 31, 2006.

D. Pending Motions

In light of the Supreme Court decision in Weyerhaeuser Co. v. Ross-Simmons Hardwood Lumber Co., No. 05-381, and the filing of the Second Amended Complaint, there is little point proceeding with the pending summary judgment motion. New briefing is necessary. Defendant's Motion (# 95) for Summary Judgment, and Plaintiff's Motion (# 158) for Leave to File Supplemental Exhibit, are denied as moot.

E. Deadlines for Discovery, Expert Reports

The lay discovery deadline is extended to August 1, 2007. Plaintiff has until September 17, 2007, to submit any reports from experts. Defendant has until October 1, 2007, to submit its expert reports.

F. Summary Judgment Briefing

Motions for summary judgment, if any, are due November 1, 2007. The response is due December 3, 2007, and the reply on December 21, 2007. Setting oral argument for Tuesday, January 22, 2008, at 1:30 p.m., in Medford, Oregon.

The court will not entertain another motion to dismiss. Any challenge to the Second Amended Complaint may be asserted

in the summary judgment motion or, if appropriate, be preserved in the Answer.

G. Plaintiff's Request to Decide Jury Instructions Now

The court denies Plaintiff's request to determine, at this time, certain jury instructions.

H. Trial Schedule

Ideally, trial in this matter should follow resolution--at the trial level, anyway--of Ross-Simmons v. Weyerhaeuser, CV 00-1693-PA and, if applicable, Confederated Tribes of Siletz Indians v. Weyerhaeuser, CV 05-100-PA and Washington Alder v. Weyerhaeuser, CV 03-753-PA. With that in mind, a 9-day jury trial is set for Tuesday, April 15, 2008, at 9:00 a.m., in Portland, Oregon. The first pretrial conference is set for Monday, March 3, 2008, at 10:00 a.m. in Portland, Oregon. The court will enter a separate order establishing requirements and deadlines for trial materials.

IT IS SO ORDERED.

DATED this 27th day of April, 2007.

/s/ Owen M. Panner

OWEN M. PANNER
U.S. DISTRICT JUDGE